IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN MADISON DIVISION

OREGON POTATO COMPANY d/b/a)	
RADER FARMS,)	
)	
Plaintiff,)	
)	
VS.)	No. 3:20-cv-00092
)	
KERRY INC.,)	
)	
Defendant.)	

DEFENDANT KERRY INC.'S MEMORANDUM IN OPPOSITION TO PLAINTIFF'S MOTION FOR EXTENSION OF TIME

Defendant Kerry Inc. ("Kerry") respectfully requests that the Court either deny Plaintiff Oregon Potato Company's ("OPC's") motion for an extension (Dkt. 59) of 15 days, from December 21, 2020 to January 5, 2021, to file its reply in support of its Motion for Leave to File Its First Amended Complaint or grant a shorter extension. While Kerry would not normally oppose this type of request, there are unusual and extenuating circumstances here. As explained in Kerry's Memorandum in Opposition to OPC's Motion for Leave (Dkt. 55), OPC unduly delayed for months before filing its motion for leave and seeking to amend its complaint. (*Id.* at 4–7.) OPC itself chose to file its motion for leave in the midst of the holidays—after 9:00 p.m. the night before the Thanksgiving holiday. OPC knew at that time that there would be briefing on its motion, and OPC knew then about all of the circumstances that it now cites as reasons for an extension.

OPC also knew that its First Amended Complaint, if allowed even in part, would dramatically increase the scope of the case and require the parties to restart and redo their ongoing

¹ OPC incorrectly states that this memorandum is 37 pages long. In fact, it is only 27 pages long.

efforts to collect, review, and produce a massive amount of electronically stored information—a process which has already been costly and time-consuming. (*Id.* at 3.) If amendment were allowed, Kerry also would need to issue extensive additional written discovery requests to OPC regarding the new allegations. At the same time, OPC is insistent that the parties quickly move forward with discovery over the holidays. In summary, because discovery is continuing unabated, Kerry respectfully submits that it is in the interests of both parties, as well as the Court's administration of this case, that the scope of OPC's claims, and hence discovery, be determined as soon as possible. For all of these reasons, the request for extension either should be denied or the Court should grant a shorter extension of time than the extension OPC has requested.

Respectfully submitted,

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Attorneys for Defendant Kerry Inc.

Date: December 17, 2020

CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2020 a copy of the foregoing was filed electronically, and that notice of this filing will be sent to registered parties by operation of the Court's electronic filing system.

/s/ Peter J. Kocoras

Peter J. Kocoras